

CHAPTER NO.860

SENATE BILL NO. 1678

By Cohen, Kilby, Bowers, Harper

Substituted for: House Bill No. 1722

By Larry Turner, Marrero, Ulysses Jones, Cooper, Henri Brooks, Favors, Shaw, Langster, Tidwell, Briley, Brown, Pruitt, Towns, Miller

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 29, relative to restoration of citizenship.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, is amended by adding the following new Part 2:

§ 40-29-201.

(a) The provisions and procedures of this part shall apply to and govern restoration of the right of suffrage in this state to any person who has been disqualified from exercising such right by reason of a conviction in any state or federal court of an infamous crime.

(b) This part shall apply to any person convicted of an infamous crime after May 18, 1981.

(c) This part shall apply only to restoration of the right of suffrage. For restoration of all other rights of citizenship forfeited as the result of a conviction for an infamous crime, the provisions of Part 1 of this chapter shall apply.

§ 40-29-202.

(a) A person rendered infamous and deprived of the right of suffrage by the judgment of any state or federal court is eligible to apply for a voter registration card and have the right of suffrage restored upon:

(1) Receiving a pardon, except where such pardon contains special conditions pertaining to the right of suffrage;

(2) The discharge from custody by reason of service or expiration of the maximum sentence imposed by the court for any such infamous crime; or

(3) Being granted a certificate of final discharge from supervision by the board of probation and parole pursuant to § 40-28-105, or any equivalent discharge by another state, the federal government, or county correction authority.

(b) Notwithstanding the provisions of subsection (a), a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless such person has paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence.

(c) Notwithstanding the provisions of subsection (a), a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless such person is current in all child support obligations.

§ 40-29-203.

(a) A person eligible to apply for a voter registration card and have the right of suffrage restored pursuant to § 40-29-202 may request, and then shall be issued, a certificate of voting rights restoration upon a form prescribed by the coordinator of elections, by:

(1) The pardoning authority;

(2) The warden or an agent or officer of the incarcerating authority; or

(3) A parole officer or another agent or officer of the supervising authority.

(b)(1) Any authority issuing a certificate of voting rights restoration pursuant to subsection (a) shall forward a copy of such certificate to the coordinator of elections.

(2) The issuing authority shall also supply the person being released with a written statement explaining the purpose and effect of the certificate of voting rights restoration and explaining the procedure by which such person can use the certificate to apply for and receive a voter registration card and thereby become eligible to vote.

(c) A certificate of voting rights restoration issued pursuant to subsection (a) shall be sufficient proof that the person named on the certificate is no longer disqualified from voting by reason of having been convicted of an infamous crime.

(d) Any person issued a certificate of voting rights restoration pursuant to this section shall submit such certificate to the administrator of elections of the county in which the person is eligible to vote. The administrator of elections shall send the certificate to the coordinator of elections who shall verify that the certificate was issued in compliance with this section. Upon determining that the certificate complies with the provisions of this section, the coordinator shall notify the appropriate administrator of elections and, after determining that such person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator shall grant the application for a voter registration card. The administrator shall issue a voter registration card and such card shall be mailed to the applicant in the same manner as provided for any newly issued card.

§ 40-29-204.

Notwithstanding the provisions of this part, the following persons shall never be eligible to register and vote in this state:

(1) Those convicted after July 1, 1986, of the offenses of voter fraud, treason, murder in the first degree, or aggravated rape.

(2) Those convicted after July 1, 1996, but before July 1, 2006 of any of the offenses set out in subdivision (1) or any other degree of murder or rape.

(3) Those convicted on or after July 1, 2006 of:

(A) Any of the offenses set out in subdivision (1) or (2);

(B) Any other violation of Title 39, Chapter 16, Parts 1, 4 or 5 designated as a felony; or

(C) Any sexual offense set out in § 40-39-202(17) or violent sexual offense set out in § 40-39-202(25) that is designated as a felony and where the victim of such offense was a minor.

§ 40-29-205.

The coordinator of elections shall prepare a certificate of voting rights restoration form and the written statement explaining such form and the procedure by which a person can apply for a voter registration card and become eligible to vote as required by this part. The coordinator shall be responsible for printing and distributing a sufficient number of such forms to the Department of Correction, the board of probation and parole and any other authority that may discharge a person to whom the provisions of this part apply.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. For the purpose of the coordinator of elections preparing, printing and distributing the documents required by this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2006, the public welfare requiring it.

Passed: May 17, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2006


PHIL BREDESEN, GOVERNOR